

| Criteria for an introduction-from-the-sea certificate | Appendix of the specimen | | Section |
|--|--------------------------|-----|---------|
| | I | II | |
| (1) The specimen was taken in the marine environment not under the jurisdiction of any country. | Yes | Yes | – |
| (2) The proposed introduction from the sea would not be detrimental to the survival of the species. | Yes | Yes | 23.61 |
| (3) The specimen will not be used for primarily commercial purposes. | Yes | n/a | 23.62 |
| (4) The recipients are suitably equipped to house and care for live wildlife or plants. | Yes | n/a | 23.65 |
| (5) The scientific name of the species is the standard nomenclature in the CITES Appendices or the references adopted by the CoP. | Yes | Yes | 23.23 |
| (6) Live wildlife or plants will be prepared and shipped so as to minimize risk of injury, damage to health, or cruel treatment of the specimen. | Yes | Yes | 23.23 |

(d) *Exemption.* As allowed under Article XIV(4) and (5) of the Treaty, you may directly introduce into the United States any Appendix-II wildlife or plant taken in the marine environment that is not under the jurisdiction of any country without a CITES document when all of the following conditions are met:

- (1) The United States is a party to an international treaty, convention, or agreement that affords protection to the species and was in force on July 1, 1975.
- (2) The ship that harvested the specimen is registered in the United States.
- (3) The specimen was taken in accordance with the other international treaty, convention, or agreement, including any quotas.
- (4) The shipment is accompanied by any official document required under the other international treaty, convention, or agreement or otherwise required by U.S. law.

(e) *Export of exempt specimens.* To export a specimen exempted under paragraph (d) of this section, you must obtain a CITES document from the U.S. Management Authority that indicates the specimen was taken in accordance with the provisions of the other international treaty, convention, or agreement that was in force on July 1, 1975. See requirements in §23.36 (e) through (g).

(f) *Appendix III.* Appendix-III species introduced from the sea do not require introduction-from-the-sea certificates. However, the subsequent international

trade of an Appendix-III specimen introduced from the sea would be considered an export requiring a CITES document (see §23.20(f)).

§ 23.40 What are the requirements for a certificate for artificially propagated plants?

(a) *Purpose.* Article VII(5) of the Treaty grants an exemption to plants that are artificially propagated when a Management Authority issues a certificate.

(b) *U.S. and foreign general provisions.* The following provisions apply to the issuance and acceptance of a certificate for artificially propagated Appendix-I, -II, or -III plants:

(1) The certificate for artificially propagated plants and any subsequent re-export certificate must show the source code as “A” for artificially propagated.

(2) For an Appendix-I specimen that satisfies the requirements of this section, no CITES import permit is required.

(c) *U.S. application form.* Complete Form 3–200–33 and submit it to the U.S. Management Authority.

(d) *Criteria.* The criteria in this paragraph (d) apply to the issuance and acceptance of U.S. and foreign certificates. When applying for a U.S. certificate, you must provide sufficient information for us to find that your proposed activity meets all of the following criteria:

§ 23.41

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| Criteria for a certificate for artificially propagated plants | Appendix of the specimen | | | Section |
|---|--------------------------|-----|-----|---------|
| | I | II | III | |
| (1) The plant was artificially propagated. | Yes | Yes | Yes | 23.64 |
| (2) The plant specimen is one of the following: (i) Was propagated for noncommercial purposes. (ii) Is part of a traveling exhibition. (iii) Is a hybrid of one or more Appendix-I species or taxa that is not annotated to include hybrids in the listing and was propagated for commercial or non-commercial purposes. | Yes | n/a | n/a | |
| (3) The scientific name of the species is the standard nomenclature in the CITES Appendices or the references adopted by the CoP. | Yes | Yes | Yes | 23.23 |
| (4) The live plant will be prepared and shipped so as to minimize risk of injury, damage to health, or cruel treatment of the specimen. | Yes | Yes | Yes | 23.23 |

(e) *U.S. standard conditions.* In addition to the conditions in §23.56, you must meet all of the following conditions:

(1) You may not export or re-export a plant (including its parts, products, or derivatives) under this certificate if the plant was removed from the wild or grown directly from a wild seed, except for plants grown from exempt plant materials that qualify as artificially propagated.

(2) You may not export an Appendix-I species that was propagated for commercial purposes under this certificate, except for hybrids of one or more Appendix-I species or taxa that are not annotated to include hybrids in the listing.

(3) You may export a native plant under this certificate only when specifically approved for export and listed on the certificate, inventory sheet, or an approved species list.

(4) You may export a specimen under a higher-taxon name only if you identified the taxon in your application and we approved it on this certificate.

§23.41 What are the requirements for a bred-in-captivity certificate?

(a) *Purpose.* Article VII(5) of the Treaty grants an exemption to wildlife that is bred in captivity when a Management Authority issues a certificate.

(b) *U.S. and foreign general provisions.* The following provisions apply to the issuance and acceptance of a certificate for Appendix-I, -II, or -III wildlife that was bred in captivity:

(1) The certificate and any subsequent re-export certificate must show the source code as “C” for bred in captivity.

(2) For an Appendix-I specimen that satisfies the requirements of this section, no CITES import permit is required.

(c) *U.S. application form.* Complete Form 3–200–24 and submit it to the U.S. Management Authority.

(d) *Criteria.* The criteria in this paragraph (d) apply to the issuance and acceptance of U.S. and foreign certificates. When applying for a U.S. certificate, you must provide sufficient information for us to find that your proposed activity meets all of the following criteria:

| Criteria for a bred-in-captivity certificate | Appendix of the specimen | | | Section |
|--|--------------------------|-----|-----|---------|
| | I | II | III | |
| (1) The wildlife was bred in captivity. | Yes | Yes | Yes | 23.63 |